

MARIA C. ROBERTS, State Bar No. 137907  
mroberts@sheastokes.com  
RONALD R. GIUSSO, State Bar No. 184483  
rgiusso@sheastokes.com  
SHEA STOKES ROBERTS & WAGNER, ALC  
510 MARKET STREET, THIRD FLOOR  
SAN DIEGO, CALIFORNIA 92101-7025  
TELEPHONE: (619) 232-4261  
FACSIMILE: (619) 232-4840

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2008 SEP -5 PM 2:54

CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY                      DEPUTY

Attorneys for Defendants General Electric Company, erroneously sued herein, and General Electric Capital Corporation

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

S.D. STEINMETZ,

Plaintiff,

vs.

GENERAL ELECTRIC COMPANY,  
GENERAL ELECTRIC CAPITAL  
CORPORATION,

Defendants.

CASE NO. '08 CV 1635 JM AJB

Action Date: August 1, 2008

DECLARATION OF RONALD R. GIUSSO  
IN SUPPORT OF NOTICE OF REMOVAL

I, RONALD R. GIUSSO, declare:

1. I am an attorney licensed to practice law before all courts in the State of California and the United States District Court, Southern District of California, and am an attorney with the law firm of Shea Stokes Roberts and Wagner, ALC, attorneys of record herein for Defendants General Electric Company, erroneously sued herein, and General Electric Capital Corporation. I have personal knowledge of the facts set forth in this Declaration and can competently testify thereto. I make this declaration as required by 28 U.S.C. section 1446 in support of the Notice of Removal of Civil Action.

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CR

2. Attached hereto as Exhibit "A" is a true and correct copy of Plaintiff's Claim and Order to Go to Small Claims Court filed as Steinmetz vs. General Electric Company, as Case No. 37-2008-00005734-Sc-SC-CTL in the Small Claims Court Division of the Superior Court of California, in and for the County of San Diego.

3. The named Defendants have given their authority and authorize the filing of the Notice of Removal and related pleadings as to this matter at this time.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct. Executed this 5th day of September, 2008, at San Diego, California.



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Ronald R. Giusso

**SC-100****Plaintiff's Claim and ORDER  
to Go to Small Claims Court****Notice to the person being sued:**

- You are the Defendant if your name is listed in ② on page 2 of this form. The person suing you is the Plaintiff, listed in ① on page 2.
- You and the Plaintiff must go to court on the trial date listed below. If you do not go to court, you may lose the case.
- If you lose, the court can order that your wages, money, or property be taken to pay this claim.
- Bring witnesses, receipts, and any evidence you need to prove your case.
- Read this form and all pages attached to understand the claim against you and to protect your rights.

**Aviso al Demandado:**

- Usted es el Demandado si su nombre figura en ② de la página 2 de este formulario. La persona que lo demanda es el Demandante, la que figura en ① de la página 2.
- Usted y el Demandante tienen que presentarse en la corte en la fecha del juicio indicada a continuación. Si no se presenta, puede perder el caso.
- Si pierde el caso la corte podría ordenar que le quiten de su sueldo, dinero u otros bienes para pagar este reclamo.
- Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso.
- Lea este formulario y todas las páginas adjuntas para entender la demanda en su contra y para proteger sus derechos.

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of  
San Diego, Central Division  
8950 Clairemont Mesa Blvd.  
San Diego CA 92123

Clerk fills in case number and case name:

Case Number:

37-2008-00005734-SC-SC-CTL

Case Name:

Steinmetz vs. General Electric  
Company

**Order to Go to Court**

The people in ① and ② must go to court: (Clerk fills out section below.)

Trial Date	Date	Time	Department	Name and address of court if different from above
	1. OCT 10 2008	3:00 PM	51	
	2.			
WRITTEN REQUEST FOR CONTINUANCE MUST INCLUDE A \$10.00 FEE AND BE SUBMITTED AT LEAST 10 DAYS BEFORE TRIAL DATE.				
Date:	AUG 01 2008		Clerk, by	P. Leibenguth, Deputy

**Instructions for the person suing:**

- You are the Plaintiff. The person you are suing is the Defendant.
- Before you fill out this form, read Form SC-150, *Information for the Plaintiff (Small Claims)*, to know your rights. Get SC-150 at any courthouse or county law library, or go to: [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms)
- Fill out pages 2 and 3 of this form. Then make copies of all pages of this form. (Make 1 copy for each party named in this case and an extra copy for yourself.) Take or mail the original and these copies to the court clerk's office and pay the filing fee. The clerk will write the date of your trial in the box above.
- You must have someone at least 18—not you or anyone else listed in this case—give each Defendant a court-stamped copy of all 5 pages of this form and any pages this form tells you to attach. There are special rules for "serving," or delivering, this form to public entities, associations, and some businesses. See Forms SC-104, SC-104B, and SC-104C.
- Go to court on your trial date listed above. Bring witnesses, receipts, and any evidence you need to prove your case.

Case Number:

37-2008-00005734-SC-SC-CTL

Plaintiff (list names): S. D. Steinmetz

## ① The Plaintiff (the person, business, or public entity that is suing) is:

Name: S. D. Steinmetz

Phone: (619) 723-0769

Street address: 6351 Micsita Dr. San Diego CA 92115  
Street City State ZipMailing address (if different): \_\_\_\_\_  
Street City State Zip

If more than one Plaintiff, list next Plaintiff here:

Name: \_\_\_\_\_ Phone: ( )

Street address: \_\_\_\_\_  
Street City State ZipMailing address (if different): \_\_\_\_\_  
Street City State Zip☐ Check here if more than 2 Plaintiffs and attach Form SC-100A.☐ Check here if either Plaintiff listed above is doing business under a fictitious name. If so, attach Form SC-103.

## ② The Defendant (the person, business, or public entity being sued) is:

Name: General Electric Company

Phone: ( )

Street address: 3135 Easton Turnpike Fairfield CT 06431  
Street City State ZipMailing address (if different): 818 W. Seventh St. Los Angeles CA 90017  
Street City State ZipServe to: CT Corporation System

If more than one Defendant, list next Defendant here:

Name: General Electric Capital Corporation Phone: ( )Street address: 901 Main Ave. Norwalk CT 06851  
Street City State ZipMailing address (if different): 818 W. Seventh St. Los Angeles CA 90017  
Street City State ZipServe to: CT Corporation System☒ Check here if more than 2 Defendants and attach Form SC-100A.☐ Check here if any Defendant is on active military duty, and write his or her name here: \_\_\_\_\_③ The Plaintiff claims the Defendant owes \$ 7500. (Explain below):a. Why does the Defendant owe the Plaintiff money? Violations of United States Code, Title 15, Chapter 41, Subchapter III as specified in Form MC-031.

b. When did this happen? (Date): \_\_\_\_\_

If no specific date, give the time period: Date started: 3/30/2007 Through: 8/1/2008c. How did you calculate the money owed to you? (Do not include court costs or fees for service.) Lesser of maximum penalties of all violations or maximum damages allowed in small claims court.☒ Check here if you need more space. Attach one sheet of paper or Form MC-031 and write "SC-100, Item 3" at the top.

Case Number:

37-2008-00005734-SC-SC-CTL

Plaintiff (list names): S. D. Steinmetz

- 4 You must ask the Defendant (in person, in writing, or by phone) to pay you before you sue. Have you done this? ☒ Yes ☐ No

If no, explain why not: \_\_\_\_\_

- 5 Why are you filing your claim at this courthouse?

This courthouse covers the area (check the one that applies):

- a. ☐ (1) Where the Defendant lives or does business. (4) Where a contract (written or spoken) was made, signed, performed, or broken by the Defendant or where the Defendant lived or did business when the Defendant made the contract.  
 (2) Where the Plaintiff's property was damaged.  
 (3) Where the Plaintiff was injured.
- b. ☐ Where the buyer or lessee signed the contract, lives now, or lived when the contract was made, if this claim is about an offer or contract for personal, family, or household goods, services, or loans. (Code Civ. Proc., § 395(h).)
- c. ☒ Where the buyer signed the contract, lives now, or lived when the contract was made, if this claim is about a retail installment contract (like a credit card). (Civil Code, § 1812.10.)
- d. ☐ Where the buyer signed the contract, lives now, or lived when the contract was made, or where the vehicle is permanently garaged, if this claim is about a vehicle finance sale. (Civil Code, § 2984.4.)
- e. ☐ Other (specify): \_\_\_\_\_

- 6 List the zip code of the place checked in 5 above (if you know): 92115

- 7 Is your claim about an attorney-client fee dispute? ☐ Yes ☒ No

If yes, and if you have had arbitration, fill out Form SC-101, attach it to this form, and check here: ☐

- 8 Are you suing a public entity? ☐ Yes ☒ No

If yes, you must file a written claim with the entity first. ☐ A claim was filed on (date): \_\_\_\_\_

If the public entity denies your claim or does not answer within the time allowed by law, you can file this form.

- 9 Have you filed more than 12 other small claims within the last 12 months in California?

☐ Yes ☒ No If yes, the filing fee for this case will be higher.

- 10 I understand that by filing a claim in small claims court, I have no right to appeal this claim.

- 11 I have not filed, and understand that I cannot file, more than two small claims cases for more than \$2,500 in California during this calendar year.

I declare, under penalty of perjury under California State law, that the information above and on any attachments to this form is true and correct.

Date: 8/1/2008 S. D. Steinmetz

Plaintiff types or prints name here

Plaintiff signs here

Date: \_\_\_\_\_

Second Plaintiff types or prints name here

Second Plaintiff signs here

**Requests for Accommodations**

Assistive listening systems, computer-assisted, real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the trial. Contact the clerk's office for Form MC-410, Request for Accommodations by Persons With Disabilities and Response. (Civil Code, § 54.8.)

**SC-100A****Other Plaintiffs or Defendants**Case Number:  
37-2008-00005734-SC-SC-CTL☒ This form is attached to Form SC-100, item 1 or 2.

- 1**
- If more than 2 plaintiffs (person, business, or entity suing), list their information below:

Other plaintiff's name: \_\_\_\_\_

Street address: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Mailing address (if different): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Is this plaintiff doing business under a fictitious name? ☒ Yes ☐ No If yes, attach Form SC-103.

Other plaintiff's name: \_\_\_\_\_

Street address: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Mailing address (if different): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Is this plaintiff doing business under a fictitious name? ☐ Yes ☐ No If yes, attach Form SC-103.☐ Check here if more than 4 plaintiffs and fill out and attach another Form SC-100A.

- 2**
- If more than 2 defendants (person, business, or entity being sued), list their information below:

Other defendant's name: Exxonmobil Oil CorporationStreet address: 800 Bell St. Corp. Emb. Rm. 2441 Phone: (\_\_\_\_) \_\_\_\_\_City: Houston State: TX Zip: 77002Mailing address (if different): Serve to: CCC-LAWYERS Incorporating Service2730 Gateway Oaks Dr. Ste 100 Sacramento, CA 95833

Other defendant's name: \_\_\_\_\_

Street address: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Mailing address (if different): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

☐ Check here if more than 4 defendants and fill out and attach another Form SC-100A.

- 3**
- I understand that by filing a claim in small claims court, I have no right to appeal this claim.

- 4**
- I have not filed, and understand that I cannot file, more than two small claims cases for more than \$2,500 in California during this calendar year.

I declare under penalty of perjury under California state law that the information above and on any attachments to this form is true and correct.

Date: 8/1/2008 S. D. Steinmetz  
Type or print your nameP. D. H.  
Sign your nameDate: \_\_\_\_\_  
Type or print your name\_\_\_\_\_  
Sign your name

PLAINTIFF/PETITIONER: S. D. Steinmetz	MC-031
DEFENDANT/RESPONDENT: General Electric Company et al	CASE NUMBER: 37-2008-00005734-SC-SC-CTL

## DECLARATION

(This form must be attached to another form or court paper before it can be filed in court.)

SC-100, Item 3

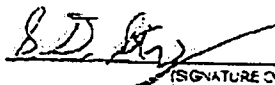
15 USC 41 § 1681s-2(a)(1)(A)  
 15 USC 41 § 1681s-2(a)(1)(B)  
 15 USC 41 § 1681s-2(a)(2) et seq.  
 15 USC 41 § 1681s-2(a)(3)  
 15 USC 41 § 1681s-2(a)(7) et seq.  
 15 USC 41 § 1681s-2(a)(8)(E)  
 15 USC 41 § 1681s-2(b)(1)(D)  
 15 USC 41 § 1681s-2(b)(1)(E)  
 15 USC 41 § 1681s-2(b)(2)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 8/1/2008

S. D. Steinmetz

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

☐ Attorney for ☒ Plaintiff ☐ Petitioner ☐ Defendant  
☐ Respondent ☐ Other (Specify):

